

FEB 03 2005

PTO/SB/ 1 (09-04)

Approved for use through 07/31/2006. OMB 0351-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/628,140	
	Filing Date	07/28/2003	
	First Named Inventor	Justin C. Greiwe	
	Art Unit	3711	
	Examiner Name	Nini F. Legesse	
Total Number of Pages in This Submission	4	Attorney Docket Number	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks - Response to office Action dated 08/13/2004 - Amended Abstract of Disclosure - requests to cancel previous claims # 1-4; New claims # 5-7 submitted. 4 Pages total.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Justin Greiwe	
Signature	<i>Justin Greiwe</i>	
Printed name	Justin Greiwe	
Date	2/2/2005	Reg. No.

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature	<i>Justin Greiwe</i>	
Typed or printed name	Justin Greiwe	Date 2/2/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

RECEIVED
CENTRAL FAX CENTER

FEB 03 2005

Application Number: 10/628140
Filing Date: 07/28/2003
First Named Inventor: Justin C. Greiwe
Art Unit: 3711
Examiner Name: Nini F. Legesse
Number of Pages: 4 Pages total including Transmittal Form

Applicants Reply in Response to Examiner's Office Action Mailed: 08/13/2004

Date of Response: February 3, 2005

Dear Examiner Legesse, Art Unit 3711,

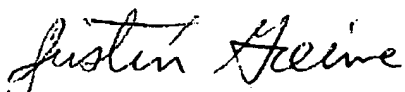
This letter is being filed this third day of February two-thousand and five, in response to examiner's office action as of August the eighth, two-thousand and four. I would like to submit this response as a bona fide attempt to advance our case and as such have amended the Abstract of the Disclosure section and Claims of our application as are found enclosed with this letter.

In response to the detailed action:

- i.) Specification: The Abstract of the Disclosure has been amended to fewer than 150 words in length and has been amended in content to better present the invention and claims of which we are presenting. This should cause this section to be within full compliance.
- ii.) Claim Rejections: I concede that original claims 1-4 failed to define the invention in the manner required by 35 U.S.C. 112, second paragraph. Original claims 1-4 also, if claiming the tossing game device, could be anticipated by previous patents such as Conville (US Patent No. 5,056,796). **In response to these problems we would like to request to cancel original claims 1-4 and replace them with New claims numbered 5-7 and detailed in the claims page of this enclosure.**
- iii.) New claims 5-7 clearly define our invention and adequately display our intention to claim the method of using the described projectile tossing game apparatus and not the apparatus itself. Thus this series of methods of use/play are unique and original to this invention and have not been claimed by any previously patented inventions.

We hope that this response will adequately revise our application so that it is in acceptable form and will be further accepted through the application process.

Thank you,
On behalf of Justin Greiwe, Nick Greiwe, and Jared Wagster,



Justin Greiwe
First Named Inventor